



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

August 17, 2023

BY ECF

Hon. Jesse M. Furman
United States District Judge
Southern District of New York
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, New York 10007

**Re: *United States v. Joshua Adam Schulte*,
S3 17 Cr. 548 (JMF)**

Dear Judge Furman:

The Government respectfully submits this letter updating the Court regarding the status of the Government's compliance with the Court's Order, dated June 22, 2023, directing the Government to "provide to Defendant a copy (or the original) of" "CD-ROMs that were seized from his cell pursuant to the searches that occurred last fall." (D.E. 1062 at 3).

As of June 29, 2023, the Government had returned copies of fourteen discs to the defendant, and identified twelve discs which required further review. On July 14, 2023, the Government provided the defendant with copies of five of those twelve discs—two that had previously been identified as containing potential child sexual abuse materials ("CSAM"), but which were confirmed not to contain materials meeting the definition of CSAM following further review, and three discs that required specialized analysis by a walled-off computer examiner before the wall team was able to review them and clear them to be provided to the defendant. There remain two discs, however, that the walled-off computer examiner has been unable to open despite significant efforts using the tools available. Because they cannot be opened, those two discs therefore cannot be either reviewed by the wall team for contraband or copied to be provided to the defendant.

In addition to the seven discs requiring additional unclassified review, there were five discs identified as containing potentially classified material. A wall Assistant U.S. Attorney ("AUSA") was appointed to communicate with the original classifying authority and defense counsel regarding those discs. The wall AUSA has reported that, following conversations with the original classifying authority and defense counsel, it was agreed that copies of those five discs would be made available to defense counsel in the Courthouse SCIF. The Classified Information Security Officer confirmed that the discs were available for defense counsel this Tuesday, August 15, 2023.

To the extent that the Court would like more information about these five discs, the wall AUSA can provide the Court with a more detailed update.

Respectfully submitted,

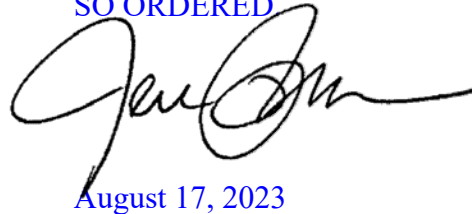
DAMIAN WILLIAMS
United States Attorney

by: /s/
David W. Denton, Jr. / Michael D. Lockard /
Nicholas S. Bradley
Assistant United States Attorneys
(212) 637-2744 / -2193 /-1581

cc: Defense counsel (by ECF)
Joshua Adam Schulte (by U.S. Mail)

The Court sees no need for further updates on this front. To the extent there are any issues, defense counsel should seek appropriate relief.

SO ORDERED

A handwritten signature in black ink, appearing to be "J. Lee", is written over the text "SO ORDERED".

August 17, 2023